

1991 No. 159 (S. 14)

BUILDING AND BUILDINGS

The Building (Procedure) (Scotland) Amendment Regulations 1991

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No. 16, 1991: 159 (S)

<i>Made</i>	- - - -	<i>28th January 1991</i>
<i>Laid before Parliament</i>		<i>18th February 1991</i>
<i>Coming into force</i>		<i>1st April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 2(4), 4(8), 9(1), 24(1)(b) and 29(1) of and Schedule 3 to the Building (Scotland) Act 1959(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Building (Procedure) (Scotland) Amendment Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations—

“the Act” means the Building (Scotland) Act 1959;

“the principal Regulations” means the Building (Procedure) (Scotland) Regulations 1981(b).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 3 (interpretation)—

(a) the definitions of “affected proprietor” and “roads authority(c) shall be omitted;

(b) in the definition of “building standards regulations”(d) for the words “Building Standards (Scotland) Regulations 1981 to 1987” there shall be substituted the words “Building Standards (Scotland) Regulations 1990(e)”;

(c) for the definition of “disabled person”(f) there shall be substituted the following definition:—

““disabled people” means persons with a physical, hearing or sight impairment which affects their mobility or their use of buildings;”;

(d) after the definition of “fire authority” there shall be inserted the following definition:—

(a) 1959 c. 24; section 2(4) was substituted by the Local Government (Scotland) Act 1973 (c. 65), Schedule 15, paragraph 3(b); section 4(8) was substituted by the Building (Scotland) Act 1970 (c. 38), section 2; section 9(1) and Schedule 3 were amended by the Local Government (Scotland) Act 1973, Schedule 15, paragraph 1; section 29(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) S.I. 1981/1499, amended by S.I. 1987/1232, 1988/2194 and 1990/1358.

(c) The original definition of “highway authority” is so construed by virtue of section 155(e) of the Roads (Scotland) Act 1984 (c. 54).

(d) Amended by S.I. 1987/1232.

(e) S.I. 1990/2179.

(f) Inserted by S.I. 1987/1232.

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“legible” means capable of being read with the naked eye”; and
(e) after the definition of “site” there shall be inserted the following definition:-

“Technical Standards” means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990(a) issued by the Scottish Office and dated October 1990;”

4. In regulation 4 (duration of warrant) in paragraph (b) for the words “on application made to them at any time” there shall be substituted the words “during the period of validity of the warrant (including any extended period so approved), on application made to them”.

5. In regulation 6 (certificate of completion) there shall be inserted at the end the words “from the date on which the local authority receive the application”.

6. In regulation 7 (fees)(b) in paragraph (2)-

(a) for the word “persons” there shall be substituted the word “people”; and

(b) for the words “in occupancy sub-group A1 or A2 of” there shall be substituted the words “of purpose group 1 specified in Schedule 3 to”.

7. In regulation 20 (preparation of draft direction) in paragraph (2)(b)(ii) for the words from “in Parts D, E or F” to “or balconies,” there shall be substituted the words “by regulations 12, 13, 14 or 15 of the buildings standards regulations as read with Parts D, E or F of the Technical Standards, as the case may be, or by regulation 32 of the building standard regulations as read with Part S of the Technical Standards in so far as that regulation and that Part relate to escape stairs and their associated landings,”.

8. In regulation 21 (determination of application) in paragraph (1) after the words “provided that” there shall be inserted the following:-

“(a) if within the said period all of the persons mentioned in regulation 20(2) notify the local authority that they are content with the draft direction, the local authority may determine the application at any time after receipt of the last such notification; and
(b)”.

9. Regulation 40 (applications under section 8) shall be omitted.

10. In regulation 42 (procedure) the words “subject to the provisions of paragraph (1) of regulation 40” shall be omitted.

11. In regulation 44 (orders relating to dangerous buildings) paragraph (1)(b) shall be omitted.

12. In regulation 48 (decisions of local authority) in paragraph (1)(c) the words “or an application under section 8 of the Act” shall be omitted.

13. In regulation 49 (maintenance of records) for paragraph (3) there shall be substituted the following paragraph:-

“(3) Where an application for a warrant or a direction is granted the local authority shall retain the principal plans lodged with reference to the application or a copy thereof in any form which enables the plans to be inspected or reproduced in legible form.”.

14. In regulation 51 (notices regarding operations) for paragraphs (b) and (c) there shall be substituted the following paragraph:-

“(b) in the case of a drain which is ready to be tested for the purpose of item 12 of the deemed to satisfy provision in the Technical Standards applicable to paragraph M2.1 of those Standards, that the drain has been laid and is ready for test.”.

15. In Schedule 1 (plans to be submitted with application)-

(a) S.I. 1990/2179.

(b) Substituted by S.I. 1987/1232.

- (a) for the Table of Particulars there shall be substituted the Table of Particulars set out in the Schedule to these Regulations;
- (b) in paragraph 2(a) the words "and any external drying green where applicable" shall be omitted;
- (c) paragraph 2(f) shall be omitted;
- (d) for paragraph 10 there shall be substituted the following paragraph:—
 - "10.—(1) A statement showing by what manner the applicant proposes to demolish the building.
 - (2) A statement providing information on the construction of the building proposed to be demolished.
 - (3) Section drawing of the building proposed to be demolished.
 - (4) Block plan (to a scale of not less than 1:500) showing—
 - (a) the size and position of the building proposed to be demolished and its relationship to adjoining buildings;
 - (b) the boundaries with land in different occupation;
 - (c) particulars appropriate to show that the operations involved will be conducted in accordance with the building operations regulations.";
- (e) in paragraph 13(1) the words "as relative to a plan, section, elevation or drawing as the case may be" shall be omitted;
- (f) in paragraph 16 for the words from "they may" to the end there shall be substituted the words "they may accept a plan of a scale other than that prescribed or a sketch plan showing relevant dimensions but not drawn to scale."; and
- (g) in paragraph 17(c)(i) for the words "such durable material" there shall be substituted the words "polyester film, linen or such other durable material".

Transitional provisions

16. Regulation 3, in so far as it amends the definition of "building standards regulations" in the principal Regulations, and—

- (a) regulation 7 shall not apply in relation to an application under section 4(1)(a) of the Act for a direction dispensing with or relaxing a provision of the buildings standards regulations in force before 1st April 1991 or continued in force thereafter by virtue of regulation 34(2) of the Buildings Standards (Scotland) Regulations 1990;
- (b) regulation 14 shall not apply in relation to operations in pursuance of a warrant granted before 1st April 1991, including a warrant granted before that date and subsequently extended or amended;
- (c) regulation 15(a) and (b) shall not apply in relation to—
 - (i) an application for amendment of a warrant which was originally granted pursuant to an application made before 1st April 1991; or
 - (ii) an application under section 4(1)(a) of the Act for a direction dispensing with or relaxing a provision of the building standards regulations in force before 1st April 1991 or continued in force thereafter by virtue of regulation 34(2) of the Building Standards (Scotland) Regulations 1990.

St Andrew's House, Edinburgh
28th January 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

**TABLE TO BE SUBSTITUTED FOR TABLE IN SCHEDULE 1 TO THE
PRINCIPAL REGULATIONS**

"TABLE OF PARTICULARS

Buildings to which applicable	Particulars
All buildings.	<ol style="list-style-type: none"> 1. The level of (a) site of the building, (b) lowest floor, (c) adjacent ground (including any road) in relation to one another and some known datum. 2. The position, materials and dimensions of (a) foundations, (b) walls, (c) windows including opening area and direction of openings, (d) doors showing direction of opening (e) floors, (f) roofs, (g) chimneys and flues, (h) ventilators and ventilation ducts (i) stairways, landings and balconies (j) other parts of the building whether above or below ground level. 3. Details of construction and in particular details of any framework and size and position of reinforcing material. 4. Details of calculation of loading and strength. 5. Indication of compartment floors and compartment walls and separating floors and separating walls and details of fire stopping. 6. Position, materials and dimensions (and weight) of any damp-proof course or other moisture barrier. 7. Position of any wash basin, shower bath, bath tub or sitz bath, kitchen sink or other built-in equipment or sanitary appliance for which standards are prescribed in the building standards regulations as read with the Technical Standards. The dimensions of any wash basin must also be shown. 8. Position, materials, dimensions and form of any soil, soil-waste, waste or rain water and ventilating pipes. 9. Position, materials, line, depth, inclination and dimensions of every drain and means of ventilation thereof and the relationship and level to any sewer, sewage treatment works or other outlet into which drains are to discharge (the scale of this drawing may be to a smaller scale than 1:100 at the discretion of the local authority). 10. Position, form and dimensions of traps, manholes and access openings. 11. Such particulars as are necessary to show that the operations involved will be conducted in accordance with the building operations regulations.
Buildings referred to in specifications E3.16 and Q2.17 of the Technical Standards.	<ol style="list-style-type: none"> 12. The position and dimensions of the lift well, the lift car and machine room.
Buildings to which regulation 13 of the building standards regulations and Part E of the Technical Standards apply.	<ol style="list-style-type: none"> 13. (a) The escape routes available as a means of escape from fire and their dimensions. (b) The position of ground hydrants required by the building standards regulations as read with specification E3.2 of the Technical Standards.
Buildings to which regulation 29(2) of the building standards regulations and specification Q2.10 of the Technical Standards apply.	<ol style="list-style-type: none"> 14. The number of socket outlets and the rooms in which they are or are to be fitted."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Building (Procedure) (Scotland) Regulations 1981. The principal changes are as follows:

- (a) the updating of references to the building standards regulations to take account of the Building Standards (Scotland) Regulations 1990 (SI 1990/2179) and their supporting volume, the Technical Standards (ISBN 0-11-494105-X), and consequential amendments (regulations 3, 6, 7, 14, 15(a) and (b));
- (b) an amendment to clarify that extensions to warrants may only be granted during the life of the warrant (regulation 4);
- (c) an amendment concerning the 14 days allowed to local authorities to consider an application for a certificate of completion to clarify that this period starts from the date on which the local authority receive the application (regulation 5);
- (d) an amendment to allow local authorities to grant a relaxation of the building standards regulations as soon as all parties concerned have indicated they are content with the draft direction (regulation 8);
- (e) an amendment giving local authorities discretion as to the form in which plans are retained for record purposes (regulation 13);
- (f) amendment to Schedule 1 to the principal Regulations
 - to require more information with applications for demolition warrants;
 - to allow local authorities more discretion concerning the acceptance of simpler plans; and
 - to oblige local authorities to accept plans drawn on polyester film (regulation 15(d), (f) and (g)).

Transitional provision is made in regulation 16 to take account of the continued operation of the Building Standards (Scotland) Regulations 1981 to 1987 in certain circumstances after 1st April 1991.

Copies of the Technical Standards referred to in these Regulations are available from Her Majesty's Stationery Office.

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